

when in use. In the use of nonpowered sailboats, nonpowered canoes or commercial vessels, the registration certificate may be kept on shore in accordance with rules adopted by the commission. The operator shall exhibit the certificate to a peace officer upon request, or, when involved in a collision or accident of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

Sec. 3. Section 483A.10, Code 1999, is amended to read as follows:  
483A.10 ISSUANCE OF LICENSES.

The licenses issued pursuant to this chapter shall be issued by the department, ~~the county recorders,~~ or the license depositories as specified by rules of the commission. A county recorder may issue licenses subject to the rules of the department. The rules shall include the application procedures as necessary. The licenses shall show the cost of the license and the writing fee. A person authorized to issue a license or collect a fee pursuant to this chapter or chapter 484A shall charge the fee specified in this chapter or chapter 484A only plus a writing fee if applicable.

Approved March 30, 2000

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## CHAPTER 1020

### DEPARTMENT OF PUBLIC DEFENSE — NATIONAL GUARD OFFICERS — EMERGENCY RESPONSE COMMISSION MEMBERSHIP

S.F. 2266

**AN ACT** relating to the department of public defense by changing the number and qualifications of general officers in the Iowa national guard and increasing the membership of the emergency response commission and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I PUBLIC DEFENSE

Section 1. Section 29A.1, subsection 1, Code 1999, is amended to read as follows:

1. "Active state service" means service on behalf of the state when public disaster, riot, tumult, breach of the peace or resistance of process occurs or threatens to occur, when called upon in aid of civil authorities or when under martial law or at encampments ordered by state authority. Active state service also includes serving as ~~the adjutant general, a deputy adjutant general, or the state quartermaster and administrative orders officer,~~ but does not include training or duty required or authorized under 32 U.S.C. § 502-505, or any other training or duty required or authorized by federal laws and regulations.

Sec. 2. Section 29A.11, Code 1999, is amended to read as follows:

29A.11 ADJUTANT GENERAL — APPOINTMENT, TERM, AND REMOVAL.

There shall be an adjutant general of the state who shall be appointed and commissioned by the governor subject to confirmation by the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and the adjutant general shall hold office for a term of four years beginning and ending as provided in section 69.19. At the time of appointment the adjutant general shall be ~~or have been~~ a federally recognized commissioned officer in the ~~armed forces~~ United States army or

air force, the army or air national guard of the United States, or the United States army or air force reserve who has reached at least the grade of a field officer colonel and who is or is eligible to be federally recognized at the next higher rank.

Sec. 3. Section 29A.16, Code 1999, is amended to read as follows:

29A.16 DEPUTY ADJUTANT ~~ADJUTANTS~~ GENERAL AND ASSISTANTS.

1. ~~The governor shall appoint a deputy adjutant general, who shall be or have been a commissioned officer, and an assistant adjutant general for the army national guard who shall be a commissioned officer, and an assistant adjutant general for the air national guard who shall be a commissioned officer, upon the recommendation of the adjutant general for the army national guard and a deputy adjutant general for the air national guard upon recommendation of the adjutant general. At the time of appointment, the deputy adjutants general shall be federally recognized officers in the national guard who have attained at least the rank of colonel and who are eligible for federal recognition at the next higher rank.~~

2. ~~They~~ The deputy adjutants general shall have ~~such the~~ rank as is consistent with federal law and regulations to and including the rank of brigadier general ~~and at the time of their appointment shall be federally commissioned officers and they shall have reached the grade of a field officer.~~ They The deputy adjutants general shall serve at the pleasure of the governor.

3. ~~The deputy adjutant adjutants general shall serve in the office of the adjutant general and aid by performing such duties as the adjutant general may assign. In the absence or disability of the adjutant general the senior deputy present for duty, based upon date of appointment under this section, shall perform the duties of that office as acting adjutant general. Each assistant adjutant general shall be responsible for duties with the army national guard or the air national guard, respectively, as prescribed by the adjutant general.~~

4. ~~The adjutant general may appoint a full-time staff within prescribed personnel authorization. Members of that the staff who are not in state active duty status are authorized salaries with allowances as provided by the executive council exempt pay plan law.~~

Sec. 4. Section 29A.17, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The military staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the ~~assistant adjutant deputy adjutants~~ general, who shall be the assistant chief chiefs of staff and ~~such the~~ aides, residents of the state, as the governor may appoint or detail from the armed forces of the state.

Sec. 5. Section 29A.66, Code 1999, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES.

The powers and duties of the governor, the adjutant general and the deputy ~~adjutant adjutants~~ general, with relation to the Iowa state guard shall be the same as those powers and duties prescribed in this chapter for ~~such the~~ officers with relation to the national guard.

Sec. 6. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II IOWA EMERGENCY RESPONSE COMMISSION

Sec. 7. Section 30.2, subsection 2, Code 1999, is amended to read as follows:

2. a. The commission is composed of ~~twelve~~ fifteen members appointed by the governor. One member shall be appointed to represent the department of agriculture and land stewardship, one to represent the department of workforce development, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the fire service institute of the Iowa state university of science and

technology, one to represent a local emergency planning committee, one to represent the Iowa hazardous materials task force, and one to represent the office of the governor. ~~Two~~ Three representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

b. The commission members representing the departments of workforce development, natural resources, public defense, public safety, and transportation, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

Approved March 30, 2000

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## CHAPTER 1021

### REGULATION OF PHYSICAL EXERCISE CLUBS AND SOCIAL REFERRAL SERVICES

S.F. 2372

**AN ACT** relating to certain providers of consumer services by eliminating the registration requirement for physical exercise clubs, making social referral service providers subject to provisions relating to door-to-door sales, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 552.14, subsection 2, paragraph a, Code 1999, is amended by striking the paragraph.

Sec. 2. Section 552.16, subsection 2, Code 1999, is amended to read as follows:

2. If the physical exercise club does not fully open for business before the two hundred eleventh day after the date it enters into the first physical exercise club contract or if the club does not remain fully open for thirty days, the buyers whose payments are held in escrow under this section shall receive a full refund, including the buyer's pro rata share of any interest earned thereon, from the escrow agent. Refunds pursuant to this section shall be made not later than the two hundred forty-first day after the date the first physical exercise club contract was signed. If the escrow agent fails to make a full refund as provided for in this section, the attorney general shall hold a hearing and determine whether the physical exercise club has fully opened and has remained open for thirty days, and if not, determine those persons who, as buyers, are entitled to a refund and, if appropriate, distribute the escrow proceeds. Notice shall be provided to the physical exercise club at ~~its place of business as shown on its registration statement~~ the address specified in the contract pursuant to section 552.4 and to all buyers who have funds in the escrow account. All hearings held under this section shall be held in accordance with chapter 17A.

Sec. 3. Section 555A.1, subsections 3 and 4, Code 1999, are amended to read as follows:

3. a. "Door-to-door sale" means a sale, lease, or rental of consumer goods or services with a purchase price of twenty-five dollars or more, whether under single or multiple contracts, in which the seller or the seller's representative personally solicits the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. Door-to-door sale does not include a transaction:

~~a.~~ (1) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis.